



Home Office

A2 English language requirement for the family route

Statement of intent regarding changes to the Immigration Rules

November 2016

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Introduction

1. The ability to speak and understand English is fundamental to successful integration into British society. It gives migrants the means to participate in British life, helping them to find work, allowing them to support their children's education and enabling them to fulfil their potential.

2. On 18 January 2016 the previous Prime Minister announced the intention to introduce a new English language requirement, at level A2 of the Common European Framework of Reference for Languages, for partners and parents applying to extend their existing leave under the family Immigration Rules. The announcement indicated that the requirement would not be introduced before October 2016. This new A2 requirement for partners¹ and parents applying for further leave to remain under the family Immigration Rules will be introduced from 1 May 2017.

3. English language requirements for migrants have been introduced across the immigration system in recent years. Those seeking to enter the UK on the basis of employment under the Points Based System have been required to meet an English language requirement since 2008 and students seeking to enter the UK under Tier 4 of the Points Based System have been required to do so since March 2010. English language requirements have since been increased by:

- Introducing in November 2010 a requirement for a non-European Economic Area (non-EEA) national partner of a British citizen or settled person to demonstrate that they can speak and understand a basic level (A1 level) of English before they can come or remain here;
- Extending the A1 speaking and listening requirement to the post-flight partner of a person here with refugee status or humanitarian protection from April 2011;
- Extending the A1 speaking and listening requirement from July 2012 to those applying for leave as a non-EEA national parent of a child who is a British citizen or settled in the UK;
- Extending the A1 requirement to those applying as a non-EEA national partner of a member of HM Forces under Appendix Armed Forces from December 2013; and
- Extending the B1 level English language speaking and listening requirement and the requirement to pass the new Life in the UK test to all applicants for settlement, including partners and parents on the family route, from October 2013. These requirements will apply from July 2017 to non-EEA national partners and parents applying for indefinite leave to remain (ILR) under the family route having completed the minimum probationary period of 5 years introduced in July 2012.

4. The government has a manifesto commitment to introduce an English language requirement for family route applicants for further leave to remain after 2.5 years in the UK. This will encourage better integration into British society, helping to ensure that those who come to the UK on the family route with only basic English become more fluent over time.

¹ Under Appendix FM to the Immigration Rules, 'partner' means spouse, civil partner, fiancé(e), proposed civil partner or a person who has been living together with the other person in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application.

5. The new A2 English language requirement for non-EEA national partners and parents applying for further leave to remain on the family route will be introduced from 1 May 2017. It will apply to those required to apply for further leave to remain on a 5-year route to settlement as a partner or parent on or after that date. This statement of intent provides details about the new requirement, the speaking and listening qualifications which applicants can use to meet it, the approved tests available and the exemptions which will apply.

6. This government wants to remove the barriers that stop women from participating in the workforce. Improved English skills for migrants on the family route will help us move closer to this goal as well as making it easier for families to access vital public services and enabling parents to support their children's education. The new A2 requirement will also support progression towards the B1 English language requirement at the settlement (ILR) stage, helping to ensure that migrants seeking to settle in the UK as a partner or parent are improving their language skills throughout the 5-year probationary period.

Current A1 English language requirement

7. The current English language speaking and listening requirement at level A1 of the Common European Framework of Reference for Languages (CEFR) for those applying for entry clearance or leave to remain as the partner of a British citizen or a person settled in the UK was introduced in November 2010. The A1 requirement helps to safeguard the economic well-being of the UK by promoting employability and integration and reducing translation costs for public services. It also helps to remove cultural barriers, broaden opportunities and ensure that migrants are equipped to play a full part in British life.

8. Further information about CEFR and its levels can be found at **Annex A**. Applicants who do not meet the A1 requirement by being a national of a majority English-speaking country (**Annex B**) or holding a degree taught or researched in English (**Annex C**), and who do not qualify for an exemption (paragraph 10, below), are required to pass an approved test from a Home Office approved test provider at an approved secure test centre. The test must be at a minimum of level A1 of CEFR in speaking and listening skills.

9. Since April 2015 there have been two Home Office approved A1 tests available for partner and parent applicants:

- Graded Examinations in Spoken English (GESE) Grade 2 offered by Trinity College London (available in the UK).
- International English Language Test System (IELTS) Skills for Life offered by the IELTS SELT Consortium (available in the UK and overseas).

10. An applicant is exempt from the A1 English language requirement if at the date of application:

- They are aged 65 or over;
- They have a disability which prevents them from meeting the requirement; or
- There are exceptional circumstances which prevent them from being able to meet the requirement.

11. Each application for an exemption is considered on a case-by-case basis. To qualify for an exemption on the basis of exceptional circumstances, applicants must demonstrate that they are unable to learn English before coming to the UK or that it is not practicable or reasonable for them to travel to another country to take an approved English test. An applicant who was exempt from the A1 English language requirement at entry clearance or the initial leave to remain stage is required to meet it when they apply for further leave to remain after 30 months in the UK, unless they remain exempt on the same or a different basis.

12. The lawfulness of the A1 English language requirement in the Immigration Rules was upheld by the Supreme Court in its 18 November 2015 judgment in *Ali & Bibi v SSHD* [2015] UKSC 68. The Court is considering whether to give directions as to the guidance on exceptions.

New A2 English language requirement

How will the requirement be met?

13. From 1 May 2017, applicants who have completed 2.5 years (30 months) in the UK with leave as a partner or parent under Appendix FM to the Immigration Rules, and who are applying for **further** leave to remain in that category, will be required to obtain an approved English language speaking and listening qualification at level A2 or higher, unless they:

- Are a national of a majority English-speaking country (Annex B);
- Hold a degree taught or researched in English (Annex C); or
- Are exempt from the requirement.

14. As with the current A1 English language requirement for partners and parents, an applicant will be exempt from the new A2 requirement if at the date of application:

- They are aged 65 or over;
- They have a disability which prevents them from meeting the requirement; or
- There are exceptional circumstances which prevent them from being able to meet the requirement.

15. More information on the basis on which an applicant can apply for an exemption from the A2 English language requirement on the grounds of disability or exceptional circumstances is set out at **Annex D**.

16. The new A2 requirement will be implemented through changes to the Immigration Rules laid in Parliament in November 2016. Applicants will need to provide the Secure English Language Test unique electronic reference number provided by the awarding body when they submit their further leave to remain application.

Who will need to meet the requirement?

17. All applicants applying for further leave to remain in the UK under Appendix FM to the Immigration Rules as a partner or parent of a British citizen or settled person or as the post-flight partner of a refugee or person with humanitarian protection will have to meet the new A2 English language requirement, unless exempt from it, to continue on the 5-year partner or parent route to settlement under Appendix FM.

18. **The requirement will apply to those whose leave to enter or remain as a partner or parent on a 5-year route to settlement under Appendix FM will expire on or after 1 May 2017.** A partner or parent whose leave is due to expire from 1 May 2017 and who makes an application on or before 30 April 2017 will be subject to the A2 requirement if they are applying for further leave to remain. A partner or parent whose initial period of leave to enter or remain is due to expire before 1 May 2017 will not be affected by the new A2 requirement.

19. A partner or parent who was exempt from the A1 English language requirement when they applied for entry clearance or initial leave to remain as a partner or parent under Appendix FM will continue to have to meet that A1 requirement (and not the new A2 requirement) in applying for further leave to remain in that category under the 5-year route to settlement, unless they remain exempt from the requirement on the same or a different basis.

20. Partners and parents granted leave to enter or remain on the 5-year family route to settlement, who do not otherwise meet the A2 English language requirement or qualify for an

exemption from it and whose English language speaking and listening skills are not already at A2 level, will need to improve their language skills and pass an approved A2 test before submitting their further leave to remain application. An applicant intending to settle in the UK will, if necessary, have to continue to improve their English language skills in order to pass an approved B1 English test before submitting their indefinite leave to remain application.

21. Since October 2013 all applicants for indefinite leave to remain, including under the family route, have been required to meet a B1 English speaking and listening requirement and pass the new Life in the UK test. Partners and parents granted leave to enter or remain under the family route will already be aware therefore of the need to improve their English language skills in order to complete the 5-year route to settlement. However, we recognise that some applicants may require additional time in which to improve their English language skills and pass an approved test in order to meet the new A2 English language requirement for further leave to remain on the 5-year route to settlement, and implementation of the new A2 requirement from 1 May 2017 is intended to provide this.

22. An applicant failing to meet the A2 English language requirement for further leave to remain as a partner or parent under the 5-year route to settlement after 2.5 years (30 months) in the UK will have to meet the relevant requirements of Appendix FM or demonstrate exceptional circumstances in order to be granted leave to remain here on family or private life grounds under a 10-year route to settlement. They will still have to meet the B1 English language requirement and pass the Life in the UK test in order to qualify for indefinite leave to remain after 10 years.

Applicants not required to meet the new A2 requirement

Partners of members of HM Forces

23. The new A2 English language requirement **will not** apply to the partner of a member of HM Forces who has been granted 5 years' leave to enter or remain under Appendix Armed Forces to the Immigration Rules and who is not required to apply for further leave after 2.5 years (30 months).

24. Partners of members of HM Forces who are applying for further leave to remain under Appendix FM to the Immigration Rules **will** be required to meet the new A2 requirement unless they are exempt from it.

10-year partner and parent routes

25. Like the A1 English language requirement, the new A2 requirement **will not** apply to those applying for further leave to remain under the 10-year partner or parent route to settlement under Appendix FM to the Immigration Rules, or outside the Rules on ECHR Article 8 grounds.

Partners granted leave under Part 8 of the Immigration Rules

26. The new A2 requirement **will not** apply to a partner who has been granted leave under Part 8 of the Immigration Rules and who has not yet completed the route to settlement in that category because they have not yet met the B1 English language and Life in the UK test requirements for indefinite leave to remain.

A2 English language tests

Approved providers

27. The following test providers are approved under the Immigration Rules to provide A2 level English language speaking and listening tests for applicants applying for further leave as a partner or parent under Appendix FM:

- Trinity College London
- IELTS SELT Consortium

28. Trinity College London's A2 test is available to applicants and bookings can be made through their website at: <http://www.trinitycollege.com/site/?id=3218>. IELTS SELT Consortium's A2 test is available to applicants and bookings can be made through their website at: <https://ieltsukvisas.britishcouncil.org/#/>

29. As with the current A1 English language requirement, there is scope for applicants to take an approved English language test above the required level, including one which covers reading and writing skills (on which the scores will be ignored) provided the test is on the approved Home Office list. A list of the Home Office approved tests included in Appendix O to the Immigration Rules can be found on GOV.UK at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-o-approved-english-language-tests>

Approved test centres

30. A2 tests from Trinity College London and IELTS SELT Consortium are only available in the UK at approved test centres. The current list of approved test centres is at **Annex E**.

What does the A2 test involve?

31. At A2 level, a person can go beyond a simple factual conversation to express simple opinions. They can understand the main point in short, clear, simple messages and announcements. They can interact in short conversations on familiar topics provided the other person helps if necessary.

32. Trinity College London's A2 speaking and listening test involves a one-to-one conversation with an examiner which lasts seven minutes. Further information about the Trinity College London A2 test, including a video of a test taking place, self-study preparation material and an information booklet, is available at: <http://www.trinitycollege.com/site/?id=3603>

33. IELTS SELT Consortium's A2 speaking and listening test is taken with another test taker and one examiner. Candidates are assessed on their own performance during this session. Further information about IELTS Consortium's A2 test is available at: <https://www.ielts.org/what-is-ielts/ielts-for-migration/united-kingdom/ielts-life-skills>

34. Both approved A2 speaking and listening tests cost the applicant £150.

Availability and cost of English language tuition

34. There are many opportunities to learn English in the UK and a wide range of accredited courses where tuition takes place through face-to-face lessons in a teaching centre. English language course providers in the UK include universities, private language schools, educational trusts, charities and language centres in colleges and they offer courses tailored to an individual learner's needs. Courses can be of variable length with many providers offering a range of courses (for example general tuition classes, examination preparation classes and one-to-one tuition) and flexibility around the number of hours of tuition that can be undertaken each week.

35. The fees for English language courses in the UK can vary considerably and the actual cost of language tuition for progression from level A1 to A2 will therefore depend on the number of hours and weeks of tuition that an individual learner requires. Costs will vary depending on factors including the language ability of the learner, their study skills, how much private study they undertake, etc.

36. Applicants are not required to study for their A2 qualification at any particular institution or to follow any particular curriculum. Applicants may choose to undertake an accredited course with commensurate standards of teaching, management and facilities. Applicants deciding to attend a formal course should determine the most suitable one for them taking account of their individual learning needs, the cost and location of the course and any other relevant factors (e.g. their availability to attend).

37. In addition to accredited English language courses, learning English can be undertaken at home using online courses or other learning tools.

38. There is also a wide range of free resources available on the internet for applicants wishing to improve and practise their English language skills, including through online tutorials and worksheets. In some areas of the UK, there are informal conversation classes and mentoring schemes with local volunteers aimed at helping more individuals improve their English language skills. Further information is available on GOV.UK or from the local council.

Assessment of numbers affected

Impact of introducing A1 requirement

39. Prior to the introduction of the A1 English language requirement for partners in November 2010, it was estimated that it would result in some partner applications being deferred for between one and two years, after which application levels would return to previous volumes. It was also estimated that around 15 per cent of entry clearance applications and 5 per cent of leave to remain applications as a partner would fail to meet the A1 requirement.²

40. The number of partner applications, grants and refusals in 2010 and the five years following the implementation of the A1 English language requirement on 29 November 2010 are shown in the table below. These include the number of parent applications, grants and refusals from July 2012. The numbers include those joining the partner and parent routes and those extending their leave within those routes.

	Number of partner/parent entry clearance and leave to remain applications³	Number of partner/parent entry clearance and leave to remain applications granted	Number of partner/parent entry clearance and leave to remain applications refused because the A1 requirement was not met⁴
2010	66,354	56,438	15
2011	54,907	48,226	781
2012	62,826	42,413	576
2013	49,880	41,026	564
2014	51,481	39,317	577
2015	65,715	49,775	315

² Impact Assessment on English language requirement for spouses published on 1 October 2010: <http://webarchive.nationalarchives.gov.uk/20110413105622/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ia/english-for-partners/ia-english-partners.pdf?view=Binary>

³ 2010 to 2012 data include some non-family partner route applications received before July 2012.

⁴The following caveats apply: for entry clearance refusals, refusal reasons data are not robust as this is not a mandatory field; for leave to remain refusals, the relevant category is a single field within CID and therefore only records a single reason for refusal. A case may have multiple reasons for refusal. This table uses the reason for refusal entered on the system by the decision maker.

41. Further changes to the family Immigration Rules were implemented in July 2012, including the introduction of a minimum income threshold for sponsoring partner entry clearance and leave to remain applications. This means that any assessment of the impact of the A1 English language requirement on partner applications needs to take account of these other changes.

42. From the table above it can be seen that the number of partner applications received in the first year following implementation of the A1 English language requirement was greater than the estimate made in the Impact Assessment published on 1 October 2010. The number of partner applications refused because the A1 English language requirement was not met was also significantly lower than the estimate made in the Impact Assessment. It is not possible to establish whether volumes returned to their previous levels because of the changes implemented in July 2012.

Impact of introducing A2 requirement

43. The new A2 English language requirement affects partners and parents applying for further leave to remain after 2.5 years (30 months) in the UK on a 5-year route to settlement – an estimated 27,000 in 2017, were the requirement in force for the calendar year as a whole. It is assumed that some applicants will fail to qualify for further leave to remain under the 5-year route because they cannot meet the new A2 requirement.⁵ It is assumed that some of these applicants would qualify for further leave to remain on the 10-year partner, parent or private life route to settlement. There could also be some deterrence which reduces the volumes applying for further leave to remain, although this was not seen to a significant degree with the introduction of the A1 English requirement. Those individuals who decide not to apply for further leave to remain on the 5- or 10-year partner or parent routes, and who do not qualify for leave to remain on any other basis, would be expected to leave the UK. It is therefore assumed that applicants will generally seek to improve their English language skills and meet the new A2 requirement before applying for further leave to remain. Many family migrants will already be improving their language skills in the knowledge that a B1 requirement has to be met to qualify for settlement.

44. Where an applicant for further leave to remain as a partner or parent evidenced that they met the A1 English language requirement for leave to enter or remain by taking an approved test at level A2 or above, they will not be required to take a further English language test before applying for further leave to remain, provided the test they took was accepted as part of their previous partner or parent application and there are no concerns about how the test result was obtained. This position reflects the current approach as set out in paragraphs 32B, 32C and 32D of Appendix FM-SE to the Immigration Rules.

45. The Public Sector Equality Duty under the Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. We have had due regard to this duty with regard to the policy on when the new A2 English language requirement will apply for a grant of further leave to remain as a partner or parent on a 5-year route to settlement and when an exemption from the requirement may be applied. An assessment of the impact of introducing an A2 English language requirement is included in the Policy Equality Statement at **Annex F**.

⁵ The number of applicants in 2017 who, were the A2 requirement in force for the year as a whole, will fail on that basis to qualify for further leave to remain is estimated as 245 or 7 per cent of the total number of partner and parent applicants who would fall for refusal. Assuming 27,000 apply, an estimated 23,490 or 87 per cent will be granted, 2,160 or 8 per cent on a 10-year route to settlement. Of the 3,510 or 13 per cent refused, based on reasons for refusal in previous years, it is estimated that 245 or 7 per cent of them will be refused because they fail to meet the A2 requirement.

Annex A: Common European Framework of Reference for Languages

The Common European Framework of Reference for Languages (CEFR) is an internationally recognised framework that describes six levels of language ability from A1 for beginners up to C2 for those who have mastered a language. CEFR is used globally as a reliable benchmark of foreign language proficiency. Its use in the UK immigration system is summarised below:

CEFR level		Use in the immigration system
Advanced	C2	None
	C1	None
Independent	B2	Tier 2 (Minister of Religion) for entry* Tier 4 (degree level study) for entry*
	B1	All applicants for settlement (ILR), including partners and parents in the family route** Nationality** Tier 1 (Entrepreneur), Tier 1 (Graduate Entrepreneur), Tier 2 (General) and Tier 4 (below degree level study) for entry*
Basic	A2	Level for partners and parents applying for further leave to remain in the family route after 2.5 years in the UK**
	A1	Partners and parents applying for a visa or initial leave to remain in the family route** Tier 2 (Sportsperson) for entry** Representative of Overseas Business **

* Speaking, listening, reading and writing skills

** Speaking and listening skills only

The practical progression required to move from A1 level to A2 level is summarised below:

A1 speaking skills	A1 listening skills
<p>Can interact in a simple way provided the other person is prepared to repeat or rephrase things at a slower rate of speech and help them formulate what they are trying to say. Can ask and answer simple questions in areas of immediate need or on very familiar topics. Can use simple phrases and sentences to describe where they live and people they know.</p>	<p>Can recognise familiar words and very basic phrases concerning themselves, their family and immediate concrete surroundings when people speak slowly and clearly.</p>
A2 speaking skills	A2 listening skills
<p>Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar topics and activities. Can handle very short social exchanges, even though they can't usually understand enough to keep the conversation going. Can use a series of phrases and sentences to describe in simple terms their family and other people, living conditions, their educational background and their present or most recent job.</p>	<p>Can understand phrases and the highest frequency vocabulary related to areas of most immediate personal relevance (e.g. very basic personal and family information, shopping, local area, employment). Can catch the main point in short, clear, simple messages and announcements.</p>

Annex B: Majority English-speaking countries

An applicant will be considered to have met the A2 English language requirement if they are a national of a majority English-speaking country. The following countries are specified under the Immigration Rules as majority English-speaking:

- Antigua and Barbuda
- Australia
- the Bahamas
- Barbados
- Belize
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- United States of America

Annex C: Degrees taught or researched in English

An applicant will be considered to have met the A2 English language requirement if they:

- Have obtained an academic qualification recognised by the National Academic Recognition Information Centre for the UK (UK NARIC) to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK; and
- Provide the specified evidence to show that they have the qualification and that it was taught or researched in English.

If the qualification was taken in one of these countries we will assume that it was taught or researched in English:

- Antigua and Barbuda
- Australia
- the Bahamas
- Barbados
- Belize
- Dominica
- Grenada
- Guyana
- Ireland
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- UK
- United States of America

Please note that Canada is not on this list.

From 6 April 2016, the points based calculator used to check overseas qualifications was removed from GOV.UK. Applicants who hold a qualification taught or researched overseas and who seek to rely on this qualification as evidence of their English language ability are required to obtain evidence from UK NARIC in advance of submitting their further leave to remain application. Evidence from UK NARIC should be submitted with the application for further leave to remain.

Annex D: Exemption from the new A2 requirement

A partner or parent applying for further leave to remain will be exempt from the A2 English language requirement on the grounds of age (65+ at the date of application), disability or exceptional circumstances.

An exemption will apply on the grounds of **disability** where an applicant has a physical or mental condition which prevents them from learning English or taking an approved English language test at level A2. This is not a blanket exemption. Some disabled people will be capable of learning English and meeting the A2 requirement and some will not.

To qualify for an exemption on the grounds of disability, an applicant must make it clear in their application that they are seeking an exemption from the A2 requirement on disability grounds and must provide medical evidence from a qualified medical practitioner. The medical evidence must set out clearly the applicant's physical or mental condition and explain why it is not possible for the applicant to meet the A2 English language requirement. Each application for an exemption on this basis will be considered on its merits on a case-by-case basis.

An exemption will apply on the grounds of **exceptional circumstances** where an applicant has demonstrated that, as a result of exceptional circumstances, they are unable to learn English or take an approved English language test in the UK at level A2. Each application for an exemption on the basis of exceptional circumstances will be considered on its merits on a case-by-case basis.

Applicants must make it clear in their application that they are seeking an exemption from the A2 requirement on the basis of exceptional circumstances. Evidence of the nature and impact of the exceptional circumstances must be clearly provided. This must include evidence provided by an independent source or capable of being verified by the decision maker. An example may be where the applicant has been hospitalised for several months immediately prior to the date of application. Lack of or limited literacy or education will not be accepted as exceptional circumstances.

Annex E: Location of test centres in the UK

The specified secure test centres in the UK are as follows:

Trinity

1. Trinity Belfast SELT Centre – Forsyth House, Cromac Square, Belfast, County Antrim BT2 8LA
2. Trinity Birmingham SELT Centre – Lonsdale House, 52 Blucher Street, Birmingham B1 1QU
3. Trinity Cardiff SELT Centre – Temple Court, 13a Cathedral Road, Cardiff CF11 9HA
4. Trinity Croydon SELT Centre – 7th Floor, AMP House, 110 Dingwall Road, Croydon CRO 2LX
5. Trinity Glasgow SELT Centre – The Centrum Building, 38 Queen Street, Glasgow G1 3DX
6. Trinity Leeds SELT Centre – West One Building, 114 Wellington Street, Leeds LS1 1BA
7. Trinity London Hammersmith SELT Centre – 2 Queen Caroline Street, London W6 9DX
8. Trinity London Holborn SELT Centre – 88 Kingsway, London WC2B 6AA
9. Trinity Manchester SELT Centre – Peter House, Oxford Street, Manchester M1 5AN
10. Trinity Peterborough SELT Centre – Stuart House, East Wing, St John’s Street, Peterborough PE1 5DD

IELTS

11. British Council, Edinburgh – Basil Paterson College, 65 Queen Street, Edinburgh EH2 4NA
12. British Council, Edinburgh – Edinburgh College, Granton Campus, 350 West Granton Road, Edinburgh EH5 1QE (computer-based testing centre)
13. British Council, London West – Ealing Hammersmith & West London College, Hammersmith Campus, Gliddon Road, Barons Court, London W14 9BL
14. British Council, London West – GSM London, Greenford Campus, 891 Greenford Road, Greenford, Middlesex UB6 0HE (computer-based testing centre)
15. British Council, London North – London Metropolitan University, 166-220 Holloway Road, London N7 8DB
16. British Council, London North – Barnet Southgate College, Wood Street Campus, London, EN5 4AZ (computer-based testing centre)
17. British Council, Chelmsford – Anglia Ruskin University, Bishop Hall Lane, Chelmsford CM1 1SQ
18. British Council, Chelmsford – Long Road 6th Form College, Long Road, Cambridge CB2 8PX (computer-based testing centre)
19. British Council, London Central – University of Ulster, St James's House, 10 Rosebery Avenue, Holborn, London EC1R 4TF
20. British Council, London Central – International House London, 16 Stukeley Street, London WC2B 5LQ (computer-based testing centre)
21. British Council, Birmingham – Joseph Chamberlain 6th Form College, 1 Belgrave Road, Highgate, Birmingham B12 9FF
22. British Council, Manchester – Connell 6th Form College, 301 Alan Turing Way, Manchester M11 3BS
23. British Council, Cardiff – Cardiff and Vale College, City Centre Campus, Dumballs Road, Cardiff CF10 5BF
24. British Council, Portsmouth – Highbury College, Tutor Crescent, Portsmouth PO6 2SA
25. British Council, Belfast – Belfast Metropolitan College, E3 Building, 398 Springfield Road, Belfast BT12 7DU

26. British Council, Belfast – International House Belfast Ltd, 109-111 University Street, Belfast, BT7 1HP (computer-based testing centre)

Applicants should be aware that the location of test centres may change if demand indicates a need for a test centre in a different part of the UK. Applicants should check with the providers or on GOV.UK (<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>) before making arrangements to take a test.

Annex F: Policy Equality Statement



Home Office

Policy equality statement (PES)

A2 English language requirement for the family route

(1) On 18 January 2016 the previous Prime Minister announced the intention to introduce a new English language requirement, at level A2 of the Common European Framework of Reference for Languages, for partners and parents applying to extend their existing leave under the family Immigration Rules. The new A2 requirement for partners and parents will be implemented from 1 May 2017, through a change to the family Immigration Rules in November 2016, for those applying, before or from 1 May 2017, for further leave to remain on the family route whose current leave will expire on or after that date.

(2) This requirement will apply to applicants applying for further leave to remain in the UK under Appendix FM to the Immigration Rules as a partner or parent of a British citizen or settled person or as the post-flight partner of a refugee or person with humanitarian protection, unless they are exempt from it.

(3) The ability to speak and understand English is integral to successful integration into our society. It gives migrants the means to participate in British life, helping them to find work, allowing them to support their children's education and enabling them to fulfil their potential.

(4) English language requirements for migrants have been introduced across the immigration system in recent years. Those seeking to enter the UK on the basis of employment under the Points Based System have been required to meet an English language requirement since 2008 and students seeking to enter the UK under Tier 4 of the Points Based System since 2010. English language requirements have since been increased by:

- Introducing in November 2010 a requirement for a non-European Economic Area (non-EEA) national partner of a British citizen or settled person to demonstrate that they can speak and understand a basic level (A1 level) of English before they can come or remain here;
- Extending the A1 speaking and listening requirement to the post-flight partner of a person here with refugee status or humanitarian protection from April 2011;
- Extending the A1 speaking and listening requirement from July 2012 to those applying for leave as a non-EEA national parent of a child who is a British citizen or settled in the UK;
- Extending the A1 requirement to those applying as a non-EEA national partner of a member of HM Forces under Appendix Armed Forces from December 2013; and
- Extending the B1 level English language speaking and listening requirement and the requirement to pass the new Life in the UK test to all applicants for settlement, including partners and parents on the family route, from October 2013. These requirements will apply from July 2017 to non-EEA national partners and parents applying for indefinite leave to remain (ILR) under the family route having completed the minimum probationary period of 5 years introduced in July 2012.

(5) Applicants who have completed 2.5 years (30 months) in the UK with leave as a partner or parent under Appendix FM to the Immigration Rules, who are applying for further leave to remain in that category and whose current leave will expire on or after 1 May 2017, will be

required to obtain an approved English language speaking and listening qualification at level A2 or higher, unless they:

- Are a national of a majority English-speaking country;
- Hold a degree taught or researched in English; or
- Are exempt from the requirement.

As with the current A1 English language requirement for partners and parents, an applicant will be exempt from the new A2 requirement if at the date of application:

- They are aged 65 or over;
- They have a disability which prevents them from meeting the requirement; or
- There are exceptional circumstances which prevent them from being able to meet the requirement.

A partner or parent who was previously exempt from the A1 requirement will, unless they remain exempt, continue to be required to meet the A1 requirement when they apply for further leave as a partner or parent after 2.5 years in the UK.

(6) Where an applicant for further leave to remain as a partner or parent evidenced that they met the A1 English language requirement for leave to enter or remain by taking an approved test at level A2 or above, they will not be required to take a further English language test before applying for further leave to remain, provided the test they took is on the current list in the Immigration Rules of Secure English Language Tests.

(7) An applicant failing to meet the A2 English language requirement for further leave to remain as a partner or parent under the five-year route to settlement after 2.5 years (30 months) in the UK will have to meet the relevant requirements of Appendix FM or demonstrate exceptional circumstances in order to be granted leave to remain here on family or private life grounds under a 10-year route to settlement. They will still have to meet the B1 English language requirement and pass the Life in the UK test in order to qualify for ILR after 10 years.

(8) The aim of this policy is to encourage better integration into British society, ensuring that those who come to the UK on the family route with only basic English will become more fluent over time. The government wants to remove the barriers that stop women from participating in the workforce. Improved English skills for migrants on the family route will help us move closer to this goal as well as making it easier for families to access vital public services and enabling parents to support their children's education. The new A2 requirement will also support progression towards the B1 English language requirement at the settlement (ILR) stage, helping to ensure that migrants seeking to settle in the UK as a partner or parent are improving their language skills throughout the 5-year probationary period.

Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

The Public Sector Equality Duty under the Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. We have had due regard to this duty with regard to the policy on when the new A2 English language requirement will apply for an application for further leave to remain as a partner or parent on a 5-year route to settlement under Appendix FM to the Immigration Rules.

In considering the Public Sector Equality Duty we have had regard to the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Pregnancy and maternity
5. Race – this includes ethnic or national origins, colour or nationality
6. Religion or belief – this includes lack of belief
7. Gender
8. Sexual orientation

Direct discrimination

All applicants applying for further leave to remain in the UK as a partner or parent of a British Citizen or settled person or as the post-flight partner of a refugee or person with humanitarian protection will have to meet the English language requirement at A2 level to continue on the 5-year partner or parent route to settlement. The policy is applied to everyone equally so there is no direct discrimination.

Indirect discrimination

The possibility of indirect discrimination is discussed below. Section 19 of the 2010 Act sets out that indirect discrimination does not occur if an individual is not put at a particular disadvantage when they have one or more protected characteristics and if the provision, criterion or practice can be shown to be a proportionate means to achieving a legitimate aim.

We have considered each of the protected characteristics in relation to the A2 English language requirement policy.

We have carefully considered the available data on the protected characteristics. We were able to obtain data on age, race and gender for those granted entry clearance. We were not able to obtain that data for those granted leave to remain, or data on disability, gender reassignment, pregnancy and maternity, religion, or sexual orientation, because these characteristics are not recorded on our system.

The data provided below shows the number of lead applicants (not including their dependants) who were granted entry clearance on the 2-year partner route under Part 8 of the Immigration Rules and the 5-year partner and parent routes under Appendix FM to the Immigration Rules for 2010 and the years following the implementation of the A1 English language requirement on 29 November 2010 for partners and 9 July 2012 for parents. This data is a subset of that showing the total number of applications granted at paragraph 40 of the Statement of Intent.

1. AGE

The A2 English language requirement will apply to all partners and parents applying for further leave to remain after 2.5 years in the UK on the basis of their relationship with a British citizen, settled person or person with refugee leave or humanitarian protection, regardless of age. Persons of various ages will be affected by the new requirement, although all those affected will be over 18, which is the minimum age at which the Immigration Rules allow a partner or parent visa to be granted.

Table 1. Age of those granted entry clearance on the partner and parent family routes

Age	2010	2011	2012	2013	2014	2015
18-25	12,068	10,610	10,296	6,411	7,443	7,812
26-35	16,933	14,899	13,447	10,315	11,431	13,386
36-45	5,638	4,884	4,425	3,574	3,912	4,825
46-55	1,725	1,556	1,378	1,162	1,278	1,528
56-64	487	422	395	412	360	516
65+	126	102	104	140	143	159
Total	36,977	32,473	30,045	22,012	24,567	28,226

To mitigate the impact on those who would find it harder to learn English and pass an approved test at level A2 owing to their age, applicants aged 65 or over at the date of application will be exempt from the new requirement, as they are from the current A1 English language requirement on the family route and the knowledge of language and life requirement for settlement and citizenship.

2. DISABILITY

We do not hold data on the number of persons with a disability who may be affected by the new requirement.

To mitigate the impact on those who would find it harder to learn English and pass an approved test at level A2 owing to a disability, applicants with a physical or mental condition which prevents them from learning English or taking an approved English language test will be exempt from the new requirement, as they are from the current A1 English language requirement on the family route and the knowledge of language and life requirement for settlement and citizenship.

3. GENDER REASSIGNMENT

Data is not available on the number of persons proposing to undergo, who are undergoing, or who have undergone a gender reassignment process who may be affected by the new requirement, but we do not anticipate that any adverse impact on grounds of gender reassignment will arise. Any representations made by the applicant would be given careful consideration.

It is considered that the design of the policy, which includes an exemption if there are exceptional circumstances that prevent a person from learning English and/or taking an approved test, provides an adequate safeguard to deal with any adverse impact on this protected characteristic.

4. PREGNANCY AND MATERNITY

Data is not available on the number of persons who are pregnant or on maternity leave who may be affected by the new requirement. We have considered whether any adverse impact on the grounds of pregnancy and maternity may arise. Those who are pregnant or on maternity leave may face particular challenges in learning English and/or taking an approved test. It is considered that the design of the policy, which includes an exemption if there are exceptional circumstances that prevent a person from learning English and/or taking an approved test, provides an adequate safeguard to deal with any adverse impact on this protected characteristic.

5. RACE

The A2 English language requirement will apply to all partners and parents applying for further leave to remain after 2.5 years in the UK on the basis of their relationship with a British citizen, settled person or person with refugee leave or humanitarian protection, regardless of race and nationality.

Table 2. Nationality of those granted entry clearance on the partner and parent family routes

2010		2011		2012	
Pakistan	6,370	Pakistan	6,932	Pakistan	6,784
India	4,077	USA	2,965	India	2,752
USA	2,757	India	2,897	USA	2,538
Bangladesh	1,670	Bangladesh	1,842	Bangladesh	1,963
Turkey	1,385	Turkey	1,037	Turkey	1,020
2013		2014		2015	
Pakistan	3,408	Pakistan	4,450	Pakistan	4,997
India	2,529	India	2,947	India	3,187
USA	1,654	USA	1,640	USA	2,005
Bangladesh	1,036	Bangladesh	1,327	Bangladesh	1,766
Turkey	865	Sri Lanka	910	China	1,184

Higher numbers of applications as a partner or parent are received from Pakistan and India and the data shows that between 15% and 23% of applicants granted leave as a partner or parent are from Pakistan and between 9% and 12% from India.

The importance of integration in the UK applies irrespective of race or nationality and the benefits of learning English apply regardless of race or nationality.

6. RELIGION OR BELIEF

We do not hold data on the religion of persons who will be affected by the new requirement.

The A2 English language requirement will impact on all partners and parents applying for further leave to remain on the basis of their relationship with a British citizen, settled person or person with refugee leave or humanitarian protection, regardless of religious belief or none.

7. GENDER

Table 3. Gender of those granted entry clearance on the partner and parent family routes

The A2 English language requirement will impact on all partners and parents applying for further leave to remain on the basis of their relationship with a British citizen, settled person or person with refugee leave or humanitarian protection, regardless of gender.

Gender	2010	2011	2012	2013	2014	2015
Female	25,280	22,651	20,815	16,260	18,151	20,792
Male	11,696	9,819	9,230	5,752	6,416	7,434
N/K	1	3				
Total	36,977	32,473	30,045	22,012	24,567	28,226

The data shows that a higher proportion of women (between 68% and 74%) are granted leave as a partner or parent. This policy has an impact on more women than men because of the greater number of women who apply for entry clearance or leave to remain as a partner or parent. However, the importance of integration in the UK applies irrespective of gender and the benefits of learning English apply regardless of gender.

8. SEXUAL ORIENTATION

We do not hold data on the sexual orientation of persons who will be affected by the new requirement.

The A2 English language requirement will apply to all partners and parents applying for further leave to remain on the basis of their relationship with a British citizen, settled person or person with refugee leave or humanitarian protection, regardless of sexual orientation.

SCS sign off	Rob Jones	Name/Title	Head of Asylum & Family Policy Unit
I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.			
Directorate	Immigration & Border Policy	Lead contact	Pat Anderton
Date	November 2016	Review Date	May 2020

Retain the completed PES for your records and send a copy to [Diversity team@homeoffice.gsi.gov.uk](mailto:Diversity.team@homeoffice.gsi.gov.uk) and your relevant business area Equality and Diversity Lead